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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/742,578

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EXAMINER

SOL, ANTHONY M

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/742,578	<b>Applicant(s)</b> OZLUTURK ET AL.	
	<b>Examiner</b> ANTHONY SOL	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/11/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/11/2008 has been entered.
- The terminal disclaimer filed on 6/11/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,799,010 has been reviewed and is accepted. The terminal disclaimer has been recorded.
- Claims 31, 32, 39, and 40 have been amended.
- Claims 31-46 remain pending.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 31-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 31 recites the following:

a linear feedback shift register configured to produce a code; and  
a code detector configured to detect repeatedly transmitted first signals using the code, each first signal including a first portion of the code and the first signals are used to aid in acquisition of a second signal;  
wherein the code detector is configured, after detection of the first signal, to detect the second signal using the code (emphasis added).

Claim 31 requires that a code produced by a linear feedback shift register be the same code being used by the first signals and the second signal. However, there is no support in the Applicant's disclosure for such a relationship. In other words, the code produced by the linear feedback shift register is not the same code transmitted in the first signals or the second signal.

Claim 39 is similarly rejected in that there is no support in the Applicant's disclosure for a code produced by a linear feedback register that is the same code included in the first signal or the second signal.

3. Claims 31-46 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling.

Regarding claim 31,

The following feature(s) is/are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

- A pilot code transmitter (see fig. 39, 3168) to continuously transmit periodic pilot code (see fig. 36A, 3150).
- A data transmitter (see fig. 39, 3166) that transmits short code detection indication (see fig. 36A, 3164) and access code detection acknowledgment (see fig. 36B, 3176).
- A detector that detects short code at correct phase once the sufficient power is achieved (see fig. 36A, 3162) and detects access code at the correct phase (see fig. 36B, 3174).

Also see figs. 41A and 41B.

Figs. 36A, 36B, 39, 41A and 41 B and their corresponding descriptions in the specification demonstrate that the above feature(s) are considered essential by the Applicant.

Regarding claim 39,

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The following feature(s) is/are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

- A pilot code detector (see fig. 40, 3180) that acquires pilot signal for synchronization (see fig. 36A, 3156).
- A short code and access code transmitter (see fig. 40, 3190) that transmits a short code at minimum power level (see fig. 36A, 3158), continuously increase power while transmitting short code (see fig. 36A, 3160), cease transmitting short code and start transmitting access code (see fig. 36A, 3166) and continue increasing transmission power while transmitting access code (see fig. 36A, 3168).
- A data receiver (see fig. 40, 3178) for processing access code detect acknowledgment (see fig. 36B, 3178 and fig. 41B, 3218).

Also see figs. 41A and 41B.

Figs. 36A, 36B, 40, 41A and 41 B and their corresponding descriptions in the specification demonstrate that the above feature(s) are considered essential by the Applicant.

***Response to Arguments***

4. Applicant's arguments with respect to claims 31-46 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY SOL whose telephone number is (571)272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anthony Sol/  
Examiner, Art Unit 2619  
9/2/2008

/Wing F. Chan/  
Supervisory Patent Examiner, Art Unit 2619  
8/31/08